Response to Office Action Mailed October 29, 2002

A. Claims In The Case

Claims 1-62 have been rejected. Claim 2 has been cancelled. Claims 1, 3-15, 23 and 43 have been amended. Claim 63 has been added. Claims 1 and 3-63 are pending in the case.

B. The Claims Are Not Obvious Over The Cited Art Pursuant To 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-62 as being unpatentable over U.S. Patent Number 6,272,482 to McKee et al. (hereinafter "McKee") in view of U.S. Patent Number 5,613,072 to Hammond et al. (hereinafter "Hammond"). Applicant respectfully disagrees with these rejections; however, to expedite examination claims 1, 3-15, 23 and 43 have been amended.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.,* 379 F.2d 1011, 154 USPQ 173, 177-178 (CCPA 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Amended independent claim 1, states:

1. (Amended) A system comprising:
   a rules engine which is operable to assess a value of an insurance claim as a function of a plurality of rules, wherein said plurality of rules comprise formulas to assess said value of said insurance claim;
   a database which stores formula data, wherein said database is separate from said rules engine; and
   a translator program which is operable to read said formula data from said database and transform said formula data into said formulas of said

plurality of rules

In rejecting claim 1, the Examiner states in part that:

> As per claim 1, McKee discloses a system comprising a rule engine which is operable to assess a value of an insurance claim as a function of a plurality of rules (Col. 1, lines 6-37), wherein said plurality of rules use formulas to assess said value of said insurance claim (col. 3, lines 44-67).
> (Office Action, p. 2, section 3(A)).

Applicant respectfully disagrees with the Examiner's analysis of the teaching of McKee. McKee appears to teach a method of making decisions using business rules and determining an entity with authority to make a decision. For example, in the portion of McKee cited by the Examiner, McKee states, "The present invention introduces the concept of jurisdictional authority as a means of subsetting a large set of business rules." (McKee, Col. 3, lines 49-51). The rest of the section cited by the Examiner (i.e., col. 3, lines 44-67) does not appear to deal with formulas used by business rules to assess the value of an insurance claim in any way. Hammond appears to teach a method of determining statistical models to estimate funding costs for claims. For example, Hammond states that, "FIG. 1 is a diagram of the overall funding system for using an insurance carrier's historical claim data to create statistical models and for using the models to predict future incurred costs and durations for the carrier's active worker's compensation claims." (Hammond, col. 3, lines 41-46). Neither McKee nor Hammond appears to teach or suggest a plurality of rules which use formulas to assess the value of an insurance claim.

Also in rejecting claim 1, the Examiner stated that McKee discloses a system comprising, "a database which stores said formulas usable by said plurality of rules (Col. 5, lines 32-67)." (Office Action, p. 2, section 3(A)). Applicant respectfully disagrees with the Examiner's analysis of the teaching of McKee. The portion of McKee cited by the Examiner (i.e., Col. 5, lines 32-67) appears to be directed to how control points are implemented within McKee and graphical displays. However, no mention is made of a database used for any purpose.

Hammond does appear to teach a database including insurance claim information. However, Hammond does not appear to teach or suggest a database including formulas used by business rules to assess the value of an insurance claim. Neither McKee nor Hammond appears to teach or suggest a database which stores formulas data.

Additionally, as amended, independent claim 1 states in part, "a translator program which is operable to read said formula data from said database and transform said formula data into said formulas of said plurality of rules." In the Office Action, the Examiner states, "McKee discloses a method comprising...transforming said formula data into said formulas usable by said plurality of rules (Col. 5, lines 1-31)." (Office Action, p. 6, section 3(W)). Applicant respectfully disagrees with the Examiner's analysis of the teaching of McKee. The cited portion of McKee (i.e., Col. 5, lines 1-31) appears to be directed to a specific example of how jurisdictional control may be implemented. For example, the portion of McKee cited by the Examiner refers to Fig. 2, about which McKee states, "The further example of FIG. 2 illustrates how jurisdictions can help make a set of business rules easier to consider." (McKee, col. 4, lines 24 and 25). Regarding the transformation of formula data into formulas, the present application states:

> In another embodiment, the translator program may transform data stored in tables into static instances of an object class. In one embodiment, for example, the formula data table shown by way of example in Figure 3a includes data structured in a tabular format, i.e., a table with several rows and columns. In one embodiment, the Formulas class of objects may include static instances wherein each static instance is a direct representation of a row of data in the formula data table. Thus the formula data table may include all the relevant information necessary to transform each row of the formula data table into a static instance of the Formula object class. (Specification, p. 14, line 26 through p. 15, line 3).

Neither McKee nor Hammond (alone or in combination) appears to teach or suggest the feature of transforming formula data into formulas usable by business rules to assess the value of an insurance claim.

Amended independent claims 23 and 43 each include similar features to those described above with respect to claim 1. For at least the reasons discussed above, Applicant respectfully submits that independent claims 1, 23 and 43, and claims dependent thereon (i.e., claims 3-22, 24-42 and 44-63) are patentable over the cited art.

C. Many Of The Dependent Claims Are Separately Patentable

The Examiner is also respectfully requested to separately consider each of the dependent claims for patentability. Many of the dependent claims in addition to those mentioned above are independently patentable.

For example, the Examiner has rejected a number of claims (e.g., claims 3-14, 26, 30, 31, 35-42, 46, 50, and 55-62) which include the feature of "wherein said formula data comprises a plurality of entries in said database," or a similar feature. Hammond does teach using data from data files; however, the data files appear to include claims data not formula data. Neither McKee nor Hammond appears to teach or suggest storing formula data in a database.

D. Summary

Based on the above, Applicant submits that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

It is believed that no fees are due in connection with the filing of this Amendment and Response to Office Action. If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5053-27900/EBM

Respectfully submitted,

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Date: 1/29/03

Marked-Up Copy of the Amended Claim Showing Changes Made

1. (Amended) A system comprising:

a rules engine which is operable to assess a value of an insurance claim as a function of a plurality of rules, wherein said plurality of rules [use] comprise formulas to assess said value of said insurance claim;

a database which stores [said formulas] formula data [usable by said plurality of rules], wherein said database is separate from said rules engine[.]; and

a translator program which is operable to read said formula data from said database and transform said formula data into said formulas of said plurality of rules.

3. (Amended) The system of claim [2] 1,

wherein said formula data is stored in a tabular format in said database.

4. (Amended) The system of claim [2] 1,

wherein said formula data comprises alphanumeric values stored in said database.

5. (Amended) The system of claim [2] 1,

wherein said formulas are configured to be updated by updating said formula data stored in said database.

6. (Amended) The system of claim [2] 1,

wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a formula identifier.

7. (Amended) The system of claim [2] 1,

wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a sequence number.

8. (Amended) The system of claim [2] 1, wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a section description.

9. (Amended) The system of claim [2] 1, wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a page identifier.

10. (Amended) The system of claim [2] 1, wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a prompt identifier.

11. (Amended) The system of claim [2] 1, wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises an answer identifier.

12. (Amended) The system of claim [2] 1, wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a mathematical function.

13. (Amended) The system of claim [2] 1, wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a numeric value.

14. (Amended) The system of claim [2] 1,

wherein said formula data are configured to be modified in response to business requirements of an insurance organization to form modified formula data.

15. (Amended) The system of claim [2] 1,

wherein said formula data are configured to be modified as a function of business requirements of an insurance organization to form modified formula data;

wherein said translator program is configured to be modified as a function of business requirements of an insurance organization to form a modified translator program; and

wherein said modified translator program is configured to read said modified formula data from said database and transform said modified formula data into a modified plurality of formulas.

23. (Amended) A method comprising:

providing a rules engine which is operable to assess a value of an insurance claim as a function of a plurality of rules, wherein said plurality of rules use formulas to assess said value of said insurance claim;

providing a database which stores formula data [and said formulas for said plurality of rules], wherein said database is separate from said rules engine;

reading said formula data from said database; and

transforming said formula data into said formulas usable by said plurality of rules.

43. (Amended) A carrier medium comprising program instructions, wherein said program instructions are computer-executable to implement:

providing a rules engine which is operable to assess a value of an insurance claim

as a function of a plurality of rules, wherein said plurality of rules use formulas to assess said value of said insurance claim;

[providing] accessing a database which stores formula data [and said formulas for said plurality of rules], wherein said database is separate from said rules engine;

reading said formula data from said database; and

transforming said formula data into said formulas usable by said plurality of rules.